

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants : F. BAUCHOT et al. Conf. No. 9602  
Appln. No. : 09/812,202 Group Art unit: 2176  
Filed : March 19, 2001 Examiner: N. Hillery  
For : METHOD AND SYSTEM IN AN ELECTRONIC SPREADSHEET FOR  
HANDLING ABSOLUTE REFERENCES IN A COPY/CUT AND PASTE  
OPERATION ACCORDING TO DIFFERENT MODES

**REPLY BRIEF UNDER 37 C.F.R. 41.41(a)(1)**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Appeal Brief - Patents  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This Reply Brief is in response to the Examiner's Answer dated November 28, 2005, the period for reply extending until January 30, 2006 (January 28, 2006 being a Saturday).

In the Examiner's Answer, the Examiner has maintained the grounds of rejection advanced in the final rejection and provides arguments in support thereof.

Appellants note that this Reply Brief is being filed under 37 C.F.R. 41.41(a)(1) and is directed to the arguments presented in the Examiner's Answer, and therefore must be entered unless the final rejection is withdrawn in response to the instant Reply Brief. With regard to this Reply Brief, Appellants note that they are addressing points made in the Examiner's Answer and not repeating the arguments set forth in the Appeal Brief.

Moreover, while neither a fee nor an extension of time is believed to be due with

this Reply Brief, if an extension of time is necessary, Appellants respectfully request an extension of time under 37 C.F.R. 1.136(a) for as many months as would be required to render this submission timely. Further, the Commissioner is hereby authorized to charge any additional fee due to **IBM Deposit Account No. 09 – 0457**.

## **POINTS OF ARGUMENT**

### **First Issue**

On the Page 6, section 10 (*Response to Argument*), the Examiner asserts that the recited system must include “at least one piece of hardware or the system is software per se and unable to realize any of the underlying functionality.” As the Examiner acknowledges on page 3 of the Examiner’s Answer that the claims are “means plus function” claims, Appellants submit the Examiner acknowledges that “means,” or some structure performing a stated function is recited in the claims. Moreover, Appellants have pointed to the structural features embodying the recited means in the “*Summary of Claimed Subject Matter*” section of their Appeal Brief, to which the Examiner has not responded in the Examiner’s Answer.

As such, Appellants submit that the rejection of claim 2 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is improper and request that the Board reverse the Examiner’s decision to finally reject this claim and remand the application to the Examiner for allowance.

### **Second Issue**

In addition to the above-noted deficiency in the rejection of claim 2 under 35 U.S.C. § 101, Appellants note the Examiner’s assertion that the system as a whole

must constitute a “useful, concrete and tangible result” and have a practical application does not address the arguments set forth in Appellants’ Appeal Brief.

The “*Argument*” section of Appellants’ Appeal Brief clearly sets forth the practical application of the invention, i.e., for processing cell references during a copy/cut and paste operation. Moreover, Appellants clearly set forth that the present invention produces a useful, concrete and tangible result in the art related to computer spreadsheets, and allows for the manipulation and movement of data throughout the spreadsheet, and, in particular, for the movement of absolute references through a self-contained paste.

Because this manipulation and movement of data utilizes various structure such as computer memory, Appellants submit that independent claim 2 contains patentable subject matter.

Accordingly, Appellants request that the Board reverse the Examiner’s decision to finally reject independent claim 2 under 35 U.S.C. §101, and remand the application to the examining group for early allowance.

### **Issue Three**

Appellants submit that the Examiner’s reliance on a known clipboard as the recited working buffer is misplaced, such that the rejection of claims 1 – 4 under 35 U.S.C. § 103(a) cannot be sustained.

While Appellants acknowledge a clipboard is well known in the art for use in a copy and paste or cut and paste action, the present invention is not directed merely to a copy and paste or cut and paste action. In contrast to the instant invention, in which cells within the selected range of cells are manipulated in the working buffer, Appellants

submit that no such activity can occur within the clipboard identified by the Examiner.

Moreover, it is apparent from the pending claims that the recited working buffer is utilized for more than merely a temporary storage place in memory, such that identifying the use of a clipboard in ANDERSON fails to teach or suggest the working buffer recited in at least independent claim 1.

Moreover, Appellants note that ANDERSON likewise fails to teach or suggest a working buffer as recited in at least independent claims 2 and 4, such that these claims, too, are not rendered unpatentable over the art of record.

Accordingly, Appellants request that the Board reverse the Examiner's decision to finally reject independent claims 1 – 4 under 35 U.S.C. §103(a), and remand the application to the examining group for early allowance.

#### **Issue Four**

Appellants submit that the "Model Copy" technique of ANDERSON (European Patent Application No. 0 569 133) fails to teach or suggest, *inter alia*, replacing within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range by the corresponding absolute reference within the destination cell range, as recited in at least independent claim 1.

As Appellants have explained, the present invention enables a user to select a range of cells, subsequently copies or cuts the selected range of cells, and then pastes the copied or cut selected range of cells to a new location or destination range. While this procedure is not new, the present invention further determines whether any of the cells contain absolute references, and if so, determines whether the absolute reference points to a cell within the selected range of cells. When the absolute reference points to

such a cell, the working buffer changes the last found absolute reference to point within the destination range.

In contrast, ANDERSON's model copy arrangement merely changes an absolute reference to a relative reference, while maintaining a label as absolute for future copying. However, there is no teaching or suggestion in ANDERSON that the model copy arrangement replaces within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range *by the corresponding absolute reference within the destination cell range*, as recited in at least independent claim 1.

Similarly, Appellants submit that ANDERSON fails to provide any teaching or suggestion of, *inter alia*, means for replacing within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range *by the corresponding absolute reference within the destination cell range*, as recited in at least independent claim 2.

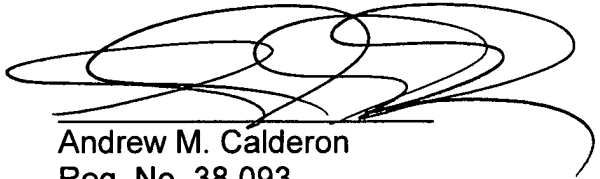
Finally, Appellants submit that ANDERSON likewise fails to teach or suggest that, when an absolute reference is contained within the selected range of cells, updating the content of the memory working buffer to change the absolute reference identified so that it points within a pasted range to a cell whose relative position within the pasted range *matches the relative position of the original absolute reference within the source cell range*, as recited in at least independent claim 4.

Because the applied art fails to teach or suggest at least the above-noted features of the invention, Appellants submit that the pending rejection is improper, and request that the Board reverse the Examiner's decision to finally reject this claim and remand the application to the Examiner for allowance.

**CONCLUSION**

For the reasons expressed above, Appellant respectfully requests that the grounds of rejection advanced by the Examiner be reversed. Appellants further request that the application be returned to the Examining Group for prompt allowance.

Respectfully submitted,  
F. BAUCHOT et al.



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January 30, 2006  
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